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LOS ANGELES, CALIFORNIA 90071

1 SNELL & WILMER L.L.P.
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4 Suite 2600
Two California Plaza
5 Los Angeles, California 90071
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6 Facsimile: 213.929.2525

7 Attorneys for Plaintiff
James R. Glidewell Dental Ceramics, Inc. d/b/a
8 Glidewell Laboratories

9 UNITED STATES DISTRICT COURT
10 CENTRAL DISTRICT OF CALIFORNIA
11

12 JAMES R. GLIDEWELL DENTAL
13 CERAMICS, INC. d/b/a
14 GLIDEWELL LABORATORIES, a
California corporation,

15 Plaintiff,

16 v.

17 KEATING DENTAL ARTS, INC., a
18 California corporation,

19 Defendant.
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Case No. SACV11-01309-DOC(ANx)

**PLAINTIFF'S FIRST AMENDED
INITIAL DISCLOSURES UNDER
F.R.C.P. 26(a)(1)(A)**

Honorable David O. Carter

16060406

PLAINTIFF'S FIRST AMENDED INITIAL
DISCLOSURES

EXHIBIT 140

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Pursuant to Federal Rule of Civil Procedure 26(a)(1)(A), Plaintiff and Counter-defendant James R. Glidewell Dental Ceramics, Inc. d/b/a Glidewell Laboratories ("Glidewell") hereby provides its First Amended Initial Disclosures to Defendant and Counterclaimant Keating Dental Arts, Inc. ("Defendant").

Glidewell provides these first amended initial disclosures based on information reasonably available to Glidewell. These first amended initial disclosures are not, and should not be construed as, a statement that no other persons have knowledge of relevant facts or that no other relevant documents exist. Glidewell reserves the right to supplement or amend as may be appropriate in accordance with Federal Rule of Civil Procedure 26(e).

I. INDIVIDUALS LIKELY TO HAVE DISCOVERABLE INFORMATION THAT GLIDEWELL MAY USE TO SUPPORT ITS CLAIMS AND/OR DEFENSES

Individuals likely to have discoverable information that Glidewell may use to support its claims and/or defenses (excluding impeachment) are identified in the table below. By indicating the general subject matter of information that an identified individual may possess, Glidewell does not represent that this is the only relevant information that these witnesses possess or may possess. Glidewell does not authorize or consent to Defendant contacting Glidewell's current or former employees, agents, representatives, and consultants except through Glidewell's counsel of record, and Glidewell does not consent to or authorize any communications otherwise prohibited by any applicable federal or state laws or rules of professional conduct.

NAME	SUBJECT(S) OF INFORMATION	CONTACT INFORMATION
Jim Shuck, Vice President of Sales and	Facts related to the sales and marketing of	Glidewell Laboratories, 4141 MacArthur Boulevard,

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NAME		SUBJECT(S) OF INFORMATION		CONTACT INFORMATION																							
Marketing		Glidewell's products bearing the BRUXZIR trademark.		Newport Beach, CA 92660 Tel.: 800-854-7265 May only be contacted only through Glidewell's counsel, Snell & Wilmer LLP.																							
Michael Cash, Marketing		Facts related to the sales and marketing of Glidewell's products bearing the BRUXZIR trademark.		Glidewell Laboratories, 4141 MacArthur Boulevard, Newport Beach, CA 92660 Tel.: 800-854-7265 May only be contacted only through Glidewell's counsel, Snell & Wilmer LLP.																							
Rudy Ramirez		Facts related to the strength of the BRUXZIR trademark.		Glidewell Laboratories, 4141 MacArthur Boulevard, Newport Beach, CA 92660 Tel.: 800-854-7265 May only be contacted only through Glidewell's counsel, Snell & Wilmer LLP.																							
Dr. Michael DiTolla		Facts related to the strength of the BRUXZIR trademark.		Glidewell Laboratories, 4141 MacArthur Boulevard, Newport Beach, CA 92660 Tel.: 800-854-7265 May only be contacted only through Glidewell's counsel,																							

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NAME	SUBJECT(S) OF INFORMATION	CONTACT INFORMATION
		Snell & Wilmer LLP.
Robin Carden, Senior Director Research & Development	Facts related to the industry recognition of the BRUXZIR trademark.	Glidewell Laboratories, 4141 MacArthur Boulevard, Newport Beach, CA 92660 Tel.: 800-854-7265 May only be contacted only through Glidewell's counsel, Snell & Wilmer LLP.
Wolfgang Friebauer, Director Research & Development & Education	Facts related to the likelihood of public confusion and damages resulting from Defendant's infringement of the BRUXZIR trademark.	Glidewell Laboratories, 4141 MacArthur Boulevard, Newport Beach, CA 92660 Tel.: 800-854-7265 May only be contacted only through Glidewell's counsel, Snell & Wilmer LLP.
Robin Bartolo	Facts related to the likelihood of public confusion and damages resulting from Defendant's infringement of the BRUXZIR trademark.	Glidewell Laboratories, 4141 MacArthur Boulevard, Newport Beach, CA 92660 Tel.: 800-854-7265 May only be contacted only through Glidewell's counsel, Snell & Wilmer LLP.
Catherine Bonser, Business Unit Manager	Facts related to the industry recognition of the BRUXZIR trademark.	Dentsply International, 500 West College Avenue, York, PA 17401

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NAME		SUBJECT(S) OF INFORMATION		CONTACT INFORMATION																							
				Tel.: 717-845-7511																							
Dr. Michael J. Fanning		Use of the terms “bruxer” and “bruxer crown” in the dental industry; facts indicating non-genericness of the BRUXZIR mark; facts indicating the strength of the BRUXZIR mark and its indication of Glidewell Laboratories as a source of goods and services; facts relating to likelihood of confusion between the BRUXZIR mark and “KDZ Bruxer.”		10271 Beach Dr., Calabash, NC 28467 Tel.: 910-579-5260																							
Dr. Vincent S. Cianciulli		Use of the terms “bruxer” and “bruxer crown” in the dental industry; facts indicating non-genericness of the BRUXZIR mark; facts indicating the strength of the BRUXZIR mark and its indication of Glidewell Laboratories as		815 Hartford Tpke, Waterford, CT 06385 Tel.: 860-444-0625																							

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NAME	SUBJECT(S) OF INFORMATION	CONTACT INFORMATION
	a source of goods and services; facts relating to likelihood of confusion between the BRUXZIR mark “KDZ Bruxer.”	
Dr. Terence J. Michiels	Use of the terms “bruxer” and “bruxer crown” in the dental industry; facts indicating non-genericness of the BRUXZIR mark; facts indicating the strength of the BRUXZIR mark and its indication of Glidewell Laboratories as a source of goods and services; facts relating to likelihood of confusion between the BRUXZIR mark and “KDZ Bruxer.”	225 Waukegan Rd, Lake Bluff, IL 60044 Tel.: 847-615-9422
Dr. Ilya Benjamin	Use of the terms “bruxer” and “bruxer crown” in the dental industry; facts indicating non-genericness of the BRUXZIR mark; facts indicating the	55 S Valle Verde Dr., Ste 250 Henderson, NV 89012 Tel.: 702-260-1890

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		strength of the BRUXZIR mark and its indication of Glidewell Laboratories as a source of goods and services; facts relating to likelihood of confusion between the BRUXZIR mark and “KDZ Bruxer.”																									
Dr. Dean Saiki		Use of the terms “bruxer” and “bruxer crown” in the dental industry; facts indicating non-genericness of the BRUXZIR mark; facts indicating the strength of the BRUXZIR mark and its indication of Glidewell Laboratories as a source of goods and services; facts relating to likelihood of confusion between the BRUXZIR mark and “KDZ Bruxer.”		3231 Waring Court, Oceanside, CA 92056 Tel.: 760-732-3456																							
Dr. Thomas E. Bell		Use of the terms “bruxer” and “bruxer crown” in the dental industry; facts		126 Biggs Lane, South Shore, KY 41175 Tel.: 606-932-3181																							

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		indicating non-genericness of the BRUXZIR mark; facts indicating the strength of the BRUXZIR mark and its indication of Glidewell Laboratories as a source of goods and services; facts relating to likelihood of confusion between the BRUXZIR mark and “KDZ Bruxer.”																									
Dr. Robert McNicholas		Use of the terms “bruxer” and “bruxer crown” in the dental industry; facts indicating non-genericness of the BRUXZIR mark; facts indicating the strength of the BRUXZIR mark and its indication of Glidewell Laboratories as a source of goods and services; facts relating to likelihood of confusion between the BRUXZIR mark and “KDZ Bruxer.”		10342 S. Kedzie Ave, Chicago, IL 60655 Tel.: 773-779-1983																							

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NAME	SUBJECT(S) OF INFORMATION	CONTACT INFORMATION
Dr. Gregory Doneff	Use of the terms “bruxer” and “bruxer crown” in the dental industry; facts indicating non-genericness of the BRUXZIR mark; facts indicating the strength of the BRUXZIR mark and its indication of Glidewell Laboratories as a source of goods and services; facts relating to likelihood of confusion between the BRUXZIR mark and “KDZ Bruxer.”	200 Ashford Circle, Dunwoody, GA 30338 Tel.: 770-396-1188
Dr. Benjamin An	Use of the terms “bruxer” and “bruxer crown” in the dental industry; facts indicating non-genericness of the BRUXZIR mark; facts indicating the strength of the BRUXZIR mark and its indication of Glidewell Laboratories as a source of goods and services; facts relating to	4869 Hannegan Road, Bellingham, WA 98226 Tel.: 360-734-2429

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NAME		SUBJECT(S) OF INFORMATION		CONTACT INFORMATION																							
		likelihood of confusion between the BRUXZIR mark and “KDZ Bruxer.”																									
Dr. Kent J. Toca		Use of the terms “bruxer” and “bruxer crown” in the dental industry; facts indicating non-genericness of the BRUXZIR mark; facts indicating the strength of the BRUXZIR mark and its indication of Glidewell Laboratories as a source of goods and services; facts relating to likelihood of confusion between the BRUXZIR mark and “KDZ Bruxer.”		9532 Chapman Ave, Garden Grove, CA 92841 Tel.: 714-539-8994																							
Dr. Howard S. Cohen		Use of the terms “bruxer” and “bruxer crown” in the dental industry; facts indicating non-genericness of the BRUXZIR mark; facts indicating the strength of the BRUXZIR mark and its indication of		1200 Medical Avenue, Plano, TX 75075 Tel.: 972-867-6500																							

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NAME	SUBJECT(S) OF INFORMATION	CONTACT INFORMATION
	Glidewell Laboratories as a source of goods and services; facts relating to likelihood of confusion between the BRUXZIR mark and “KDZ Bruxer.”	
Dr. Oscar Goren	Use of the terms “bruxer” and “bruxer crown” in the dental industry; facts indicating non-genericness of the BRUXZIR mark; facts indicating the strength of the BRUXZIR mark and its indication of Glidewell Laboratories as a source of goods and services; facts relating to likelihood of confusion between the BRUXZIR mark and “KDZ Bruxer.”	2 Rhawn Street, Philadelphia, PA 19152 Tel.: 215-332-5259
Dr. Spencer D. Luke	Use of the terms “bruxer” and “bruxer crown” in the dental industry; facts indicating non-genericness of the BRUXZIR mark;	1011 Catherine St Salt Lake City, UT 84116 801-596-3000

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		facts indicating the strength of the BRUXZIR mark and its indication of Glidewell Laboratories as a source of goods and services; facts relating to likelihood of confusion between the BRUXZIR mark and “KDZ Bruxer.”																									
Dr. Dennis A. Gaishauser		Use of the terms “bruxer” and “bruxer crown” in the dental industry; facts indicating non-genericness of the BRUXZIR mark; facts indicating the strength of the BRUXZIR mark and its indication of Glidewell Laboratories as a source of goods and services; facts relating to likelihood of confusion between the BRUXZIR mark and “KDZ Bruxer.”		4087 Medina Road, Medina, OH 44256 Tel.: 330-725-3736																							
Dr. Chester A. Bizga		Use of the terms “bruxer” and “bruxer crown” in the		6731 Ridge Rd., Ste. 201 Cleveland, OH 44129																							

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NAME	SUBJECT(S) OF INFORMATION	CONTACT INFORMATION
	dental industry; facts indicating non-genericness of the BRUXZIR mark; facts indicating the strength of the BRUXZIR mark and its indication of Glidewell Laboratories as a source of goods and services; facts relating to likelihood of confusion between the BRUXZIR mark and “KDZ Bruxer.”	Tel.: 440-884-6644
Dr. Valentine Ferraris	Use of the terms “bruxer” and “bruxer crown” in the dental industry; facts indicating non-genericness of the BRUXZIR mark; facts indicating the strength of the BRUXZIR mark and its indication of Glidewell Laboratories as a source of goods and services; facts relating to likelihood of confusion between the BRUXZIR	580 MacArthur Boulevard, Pocasset, MA 02559 Tel.: 508-563-5549

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NAME	SUBJECT(S) OF INFORMATION	CONTACT INFORMATION
	mark and “KDZ Bruxer.”	
Dr. Paul Taylor	Use of the terms “bruxer” and “bruxer crown” in the dental industry; facts indicating non-genericness of the BRUXZIR mark; facts indicating the strength of the BRUXZIR mark and its indication of Glidewell Laboratories as a source of goods and services; facts relating to likelihood of confusion between the BRUXZIR mark and “KDZ Bruxer.”	4320 Genesee Avenue, San Diego, CA 92117 Tel.: 858-277-8100
Dr. Meredith S. Esposito	Use of the terms “bruxer” and “bruxer crown” in the dental industry; facts indicating non-genericness of the BRUXZIR mark; facts indicating the strength of the BRUXZIR mark and its indication of Glidewell Laboratories as a source of goods and	1509 Ritchie Highway, Arnold, MD 21012 Tel.: 410-757-6200

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NAME	SUBJECT(S) OF INFORMATION	CONTACT INFORMATION
	services; facts relating to likelihood of confusion between the BRUXZIR mark and “KDZ Bruxer.”	
Dr. Stuart R. Newman	Use of the terms “bruxer” and “bruxer crown” in the dental industry; facts indicating non-genericness of the BRUXZIR mark; facts indicating the strength of the BRUXZIR mark and its indication of Glidewell Laboratories as a source of goods and services; facts relating to likelihood of confusion between the BRUXZIR mark and “KDZ Bruxer.”	115 North Main Street, New City, NY 10956 Tel.: 845-634-9300
Dr. Griffith	Use of the terms “bruxer” and “bruxer crown” in the dental industry; facts indicating non-genericness of the BRUXZIR mark; facts indicating the strength of the BRUXZIR	6360 County Road 896, Ste. 202, Naples, FL 34116 Tel.: 239-354-5353

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NAME	SUBJECT(S) OF INFORMATION	CONTACT INFORMATION
	mark and its indication of Glidewell Laboratories as a source of goods and services; facts relating to likelihood of confusion between the BRUXZIR mark and “KDZ Bruxer.”	
Individuals identified by Defendant in Defendant's Third Amended Initial Disclosures and in response to interrogatories and other discovery served by Glidewell.	Facts related to the business of Defendant; the infringement of the BRUXZIR trademark; damages and harms caused to Glidewell from Defendant's infringement of the BRUXZIR trademark, and Defendant's knowledge of the BRUXZIR trademark and its infringement thereof.	Defendant's counsel, Knobbe Martens, Olson & Bear LLP

Other individuals not specifically known to Glidewell may possess relevant information. Glidewell, therefore, cannot reasonably identify all individuals who may have knowledge regarding factual matters relevant to the case. To the extent that such individuals hereafter become known, Glidewell will identify them as required by the Federal Rules of Civil Procedure and the Local Rules. Glidewell

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1 reserves its right to object to any discovery requests or deposition notices
2 concerning any individual listed above.

3 In addition, Glidewell expects to identify one or more experts to testify as to
4 various issues, including damages, infringement, and validity. The identities of
5 these individuals and the subject matter of their expected testimony have been
6 and/or will be disclosed in accordance with the Federal Rules of Civil Procedure,
7 the Local Rules, and the applicable scheduling order.

8 **II. DOCUMENTS, ELECTRONICALLY STORED INFORMATION,**
9 **AND TANGIBLE THINGS THAT GLIDEWELL HAS IN ITS**
10 **POSSESSION, CUSTODY, OR CONTROL THAT GLIDEWELL MAY**
11 **USE TO SUPPORT ITS CLAIM AND/OR DEFENSES**

12 Glidewell identifies the following documents and electronically stored
13 information (collectively, "documents") and tangible things, by title and description
14 by category, in Glidewell's possession, custody, or control that Glidewell may use
15 to support its claim and/or defenses (excluding impeachment):

16 1) 2 pages of List of Semifinal Candidates for 2012 DrBicuspid Dental
17 Excellence Awards BRUXZIR material as Best New Material;

18 2) 2-page Article entitled "Anterior BRUXZIR Sold zirconia Crown"
19 dated September 13, 2011 by Michael D. DiTolla, D.D.S.;

20 3) 2-page Article entitled "Gordon Christensen on BRUXZIR - From
21 Dental Economics dated April 13, 2011;

22 4) 2-page Ad from Acutech Dental Milling Center regarding BRUXZIR
23 Solid Zirconia restorations;

24 5) 3-page Ad from DAL Dental Arts Laboratory regarding BRUXZIR
25 Solid Zirconia restorations;

26 6) 1-page Article from Keller Laboratories regarding BRUXZIR Zirconia
27 Crowns;

28 7) 3-page Article/Ad from Somer Dental Labs regarding BRUXZIR

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crowns;

8) 3-page Article regarding Anterior BRUXZIR solid zirconia crowns by Michael DiTolla, D.D.S. from Dental Economics;

9) 2-page Article entitled "BRUXZIR vs. PFM: New Zirconia Vs. Old Tried And True";

10) 1-page Article entitled "Tosoh Recognizes BRUXZIR" dated February 2011 from Inside Dental Technology, Vol. 2, Issue 2;

11) 2-page Press Release from MobileTek Dental Labs regarding BRUXZIR Solid Zirconia restorations;

12) 1-page Article regarding Whip Mix/Glidewell partnership for BRUXZIR zirconia restorations;

13) 2-page Article entitled "Moving To Monolithic" from Inside Dental Technology January, 2011, Vol. 2, Issue 1;

14) 4-page Article from LabPages regarding CEREC® and noting BRUXZIR Solid Zirconia;

15) 2-page Article from Substructures entitled "Glidewell Dental Labs Introduces BRUXZIR Solid Zirconia Crowns and Bridges";

16) 3-page Article entitled "Crowns And Fixed Prostheses: State Of The Art";

17) 2-page List of Authorized BRUXZIR Laboratories;

18) Various Glidewell BRUXZIR advertisements and various Keating KDZ Bruxer advertisements;

19) 1-page graph of monthly sales of BRUXZIR vs. PFM by Glidewell from June '09 to October '11;

20) Communication from Catherine Bonser to Jim Shuck regarding: Recognition of BRUXZIR brand;

21) The prosecution file history for the BRUXZIR trademark;

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22) Documents and things evidencing or otherwise relating to the non-generic nature of the BRUXZIR trademark;

23) Documents and things evidencing or otherwise relating to secondary meaning of the BRUXZIR trademark;

24) Documents and things evidencing or otherwise relating to actual or likely confusion concerning the BRUXZIR trademark and “KDZ Bruxer”;

25) Documents and things evidencing or otherwise relating to Glidewell's use of the BRUXZIR trademark, including but not limited to the sales and marketing of Glidewell's products bearing its BRUXZIR trademark;

26) Documents and things evidencing or otherwise relating to Glidewell's goodwill derived from its BRUXZIR trademark, including but not limited to the value and industry recognition of Glidewell's BRUXZIR trademark;

27) Documents and things evidencing or otherwise relating to Defendant's infringement of Glidewell's BRUXZIR trademark;

28) Documents and things evidencing or otherwise relating to Glidewell's damages and harms suffered as a result of Defendant's infringement of Glidewell's BRUXZIR trademark, including but not limited to Glidewell's loss of profits, damage to Glidewell's goodwill and reputation, and diminution in the value of Glidewell's BRUXZIR trademark.

Glidewell expressly reserves the right to rely on witnesses and documents and things not listed herein and which may become known through discovery during the course of this Action to supplement these disclosures pursuant to Federal Rule of Civil Procedure 26(e). Tangible items will be made available for inspection, if requested, at a time and place to be agreed upon between counsel.

III. COMPUTATION OF DAMAGES

Glidewell seeks damages and injunctive relief with respect to the claims presented in the Complaint. At this time, Glidewell has not calculated its damages and is not in possession of the information necessary to do so. Defendant's

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1 infringement of Glidewell's trademark is continuing and therefore Glidewell's
2 damages continue to mount and cannot be precisely calculated at this time.
3 Glidewell expects to seek and be awarded monetary relief including: (1) defendant's
4 profits, (2) damages sustained by Glidewell, and (3) the costs of the action. 15
5 U.S.C. § 1117(a). Glidewell expects to recover up to treble damages upon showing
6 defendant's bad faith. To the extent available under applicable law, Glidewell
7 expects to seek and recover:

- 8 1) Glidewell's attorneys' fees and costs;
- 9 2) Damages to Glidewell's business reputation and goodwill;
- 10 3) Defendant's profits resulting from Defendant's infringement;
- 11 4) Glidewell's employee time;
- 12 5) Glidewell's lost profits resulting from Defendant's infringement;
- 13 6) Defendant's interference with Glidewell's existing and/or prospective
14 business relationships;
- 15 7) Interests and costs;
- 16 8) Glidewell's out-of-pocket expenses;
- 17 9) Punitive damages;
- 18 10) Others damages that the Court may deem appropriate and equitable under
19 the circumstances.

20 **IV. INSURANCE**

21 Glidewell is investigating the existence, if any, of insurance agreements
22 under which an insurance business may be liable to satisfy all or part of a possible
23 judgment in the action or to indemnify or reimburse for payments made to satisfy
24 the judgment.
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Dated: October 29, 2012

SNELL & WILMER L.L.P.

By: /s/ Philip J. Graves

Philip J. Graves
Greer N. Shaw

Attorneys for Plaintiff
James R. Glidewell Dental Ceramics,
Inc. d/b/a Glidewell Laboratories

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PROOF OF SERVICE

I am over the age of eighteen years and not a party to this action. My business address is SNELL & WILMER LLP, 350 South Grand Ave, Suite 2600, Los Angeles, California 90071.

On October 29, 2012, I served the following document entitled:

**PLAINTIFF'S FIRST AMENDED INITIAL DISCLOSURES UNDER
F.R.C.P. 26(a)(1)(A)**

on all interested parties to this action in the manner prescribed as follows:

Attorneys for Plaintiffs and Counterclaimants

KNOBBE, MARTENS, OLSON & BEAR, LLP

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Phone: (949) 760-0404

Facsimile: (949) 760-9502

MAIL: I placed true and correct copies of the document(s) in sealed envelope(s) addressed to the above addressee(s). I am readily familiar with Snell & Wilmer LLP's practice for collecting and processing of correspondence for mailing with the United States Postal Service, said practice being that, in the ordinary course of business, correspondence with postage fully prepaid is deposited with the United States Postal Service the same day as it is placed for collection.

FAX: I caused the within document to be transmitted via facsimile transmission to the above addressee(s) at the above facsimile numbers before 5:00 p.m. on the above date.

X EMAIL: I transmitted true copies of the within document (without exhibits) electronically by means of email to the above addressee(s) at the above email address(es).

HAND: I caused the within document to be hand-delivered to Lynda J. Zadra-Symes at the offices of Knobbe, Martens, Olson & Bear, LLP.

FEDEX: I caused the within document to be delivered by Federal Express addressee(s) at the above address(es).

I declare that I am employed by a member of the bar at whose direction such service was made.

Executed on October 29, 2012, at Los Angeles, California.

/s/ Christophe r B. Pinzon
Christopher B. Pinzon